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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,585	03/01/2002	James R. Fore SR.	4287-013	3921

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COATS & BENNETT, PLLC  
P O BOX 5  
RALEIGH, NC 27602

EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/087,585	Applicant(s) FORE ET AL.	
	Examiner Evan H Langdon	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17 and 19-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14, 16 and 22-41 is/are allowed.
- 6) ☒ Claim(s) 1-10, 17, 19-21, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claim 44 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 44 recites the limitation "the supporting frame" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 17, 19-21, 42 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Engmann et al. (US 4,098,467).

Engmann shows a wire winding machine comprising:

a pair of rotatably driven spaced apart mandrels 4, 8;

a traverse 7 for guiding wire onto each one of the pair of mandrels, one at a time;

the traverse being moveable between first and second positions such that in the first position the traverse acts to guide wire onto one of the mandrels and guides wire on the second mandrel when in the second position; and

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where the traverse 7 is movable along an arcuate path, as seen by the solid and dashed lines of Figure 1, between the first and second position confined to movement between the two axis of the mandrels 4,8..

In regards to claim 2, Engmann shows the traverse 7 swings about an axis between the first and second positions.

In regards to claim 3, Engmann shows a frame structure 19 where the axis extends transversely across the frame structure of the winding machine, as seen in Figure 2.

In regards to claim 5, Engmann shows a frame 19 rotatably mounted on a shaft, the traverse 7 being mounted to the frame and moveable therewith, as seen in Figure 2.

In regards to claim 8, Engmann shows the frame includes a cradle, as seen in Figure 5, suspended from the shaft.

In regards to claim 9, Engmann shows the frame includes a generally rectangular structure and a pair of swing arms 22, 23 that are rotatably journaled to the shaft.

In regards to claim 10, Engmann shows a single transfer arm 7 for transferring wire one mandrel to the next.

In regards to claims 42 and 43, Engmann shows the wire winding machine including a main frame 3 and wherein the mandrels 4, 8 project outwardly from one side the main frame and the traverse 7 is secured to a supporting frame structure 19,22,23,24 mounted to the main frame structure 3 inwardly of the mandrels 4,8 and the traverse 7 projects outwardly from the main frame structure 3, a shaft 19 mounted to the main frame structure 3, a pair of arms 22, 23 rotatively mounted to the shaft 19 and depending downwardly, and the supporting frame

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structure of the traverse 7 is secured to the arms such that the supporting frame structure of the traverse swings back and forth as the arms rotate on the shaft 19.

With respect to claims 17 and 19-21, the method described in these claims would inherently result from the use of the wire winding machine of Engmann as advanced above.

***Claim Rejections - 35 USC § 103***

Claims 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engmann in view of Pietroni (US 3,980,244).

In regards to claim 4, Pietroni teaches a double acting fluid cylinder 52 for swinging the traverse between first and second positions.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the motor (m2) of Engmann to include a fluid acting cylinder as suggested by Pietroni, to for swinging the traverse arm.

In regards to claims 6 and 7, Engmann as modified by Pietroni teaches the cylinder (replacing the motor m2 of Figure 5, Engmann) connected to a frame (19,22,23,24) associated with the wire winding machine and the frame.

***Allowable Subject Matter***

Claims 11-14, 16 and 22-41 allowed.

Claim 44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter: Claim 11 contains patentable subject matter because the teachings of the prior art taken as a whole do not show or render obvious the combination set forth, including the traverse mounted to a moveable frame, movable be swinging about an axis in an arcuate path and the frame comprising four interconnected members joined at right angles forming a rectangular shape.

The following is a statement of reasons for the indication of allowable subject matter: Claims 22 and 33 contain patentable subject matter because the teachings of the prior art taken as a whole do not show or render obvious the combination set forth, including the combination of a wire winding machine comprising a traverse and wire direction control device to allow tge wire to move in one direction, but prohibit the wire from moving in the opposite direction.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The new grounds of rejection is necessitated by the limitations added to claims 1 and 17 concerning confining the traverse between the axis of the two mandrels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768.

The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600